IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 29518 of 2007(L)

PETITIONER:

A.REMA,
WORKING AS HOSPITAL ATTENDANT GR.II,
S.A.T.HOSPITAL, THIRUVANANTHAPURAM,
RESIDING AT KARIYARIKKATTU VEEDU,
THALIYAL, KARAMANA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.PUSHPARAJAN
SRI.RAJA. P.R.S.
SMT.JANCY THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, HEALTH DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT,
S.A.T.HOSPITAL, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 29518 of 2007

Dated this the 6th day of November, 2007

JUDGMENT

The petitioner is working as a Hospital Attendant Grade II in the SAT Hospital, Thiruvananthapuram. The petitioner was appointed as per Ext.P1 order dated 17.11.1998. Ext.P1 shows that the petitioner's engagement was provisional under Rule 9(a)(i) of Part II of KS & SSR. Nevertheless, the petitioner claims that as a matter of fact his recruitment is eligible to be treated as regular, going by the special rules relating to appointment to the post of Hospital Attendant Grade II, coming under Category IV of the Kerala Last Grade Service. Petitioner refers to Ext.P2 judgment of the Division Bench of this Court and Ext.P3 judgment of a learned single judge following Ext.P2.

2. Issue raised by the petitioner is covered a subsequent judgment of this Court in ***Vasanthi v State of Kerala*** (2006(1) KLT 288)

3. On instructions, learned Government Pleader submits that the petitioner continues to be in service at the SAT Hospital, on daily wages.

4. In the circumstances, the writ petition is disposed of declaring that the petitioner is entitled to the benefit of the directions issued by this Court in ***Vasanthi v State of Kerala.***

5. In the result, the petitioner shall be permitted to continue in service and the claim for regularisation will be considered, subject to the decision to be taken by the Supreme Court in the Special Leave Petitions filed against Ext.P2 judgment.

V. GIRI, JUDGE

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